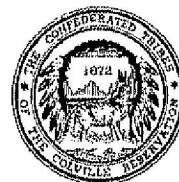




The Confederated Tribes of the Colville Reservation  
P.O. Box 150, Nespelem, WA 99155

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May 2, 2012

Lisa Jackson  
EPA Administrator  
Washington, DC

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OFFICE OF THE  
EXECUTIVE SECRETARIAT

HAND DELIVERED

Dear Ms. Jackson,

The Colville Tribes appreciates the opportunity to meet with you on May 4, 2012, to discuss matters of importance to our Tribal nation and the Environmental Protection Administration. We provide this letter in addition to the remarks of our representatives at the meeting.

As more fully discussed below, the Colville Tribes has provided the first line of defense and is implementing a sophisticated technical and legal strategy to take care of our treasure, the Columbia River. Because we are located in a fairly remote area away from an urban population, decades of pollution from Canadian industry have done enormous damage to the Upper Columbia River and surrounding environment without the benefit of national attention to these concerns. The Tribes has untiringly urged the EPA and the River's Trustees to address risk and injuries in the United States, and we seek enhanced coordination with and leadership from the EPA.

The homeland of Colville Tribes, as you are aware, includes the Columbia River and its tributaries. The Columbia River and the salmon which were once so plentiful in its waters are central to the Tribes' culture, traditions, and history. The Colville Business Council has always made it a priority to take every action possible to protect and restore the Columbia and other waterways in our homeland. As part of this commitment to the restoration of our waters, the Tribes and the State of Washington are engaged in a long and very costly litigation against Teck Cominco, the international mining giant which has fouled the Upper Columbia River between the international border and the Grand Coulee Dam with toxic discharges from its Trail, BC, mill. For more than a decade the Colville Tribes has pursued this litigation with the goal of requiring Teck Cominco to clean up the damage it has done.

The Tribes has had several contacts with President Obama's administration, you, and your Region 10 Administrator Mr. McLerran, in which we have raised concerns about the conduct of Teck Cominco and with EPA oversight of the Upper Columbia River Remedial Investigation (RI/FS), a component in the cleanup process.

We have discussed these concerns with Mr. McLerran and continue to encourage the EPA to assume a full leadership role in the implementation of the RI/FS. However, the agency continues to generally defer to Teck Cominco, rather than coordinating with the Tribes, and addressing the

technical and otherwise substantive issues raised by the Tribes. There have been several examples of this overly deferential treatment of Teck that the Tribes has raised—one is the poor quality work plans produced by Teck, which are the basis for the logic and conduct of the investigations. These deficient planning documents now are providing the information that Teck relies on as they move forward with study plans. We are concerned that this approach may produce a flawed Ecological Risk Assessment. We respectfully request that the EPA give greater attention to our concerns. To date, we are not getting to the information necessary regarding contamination to develop an adequate risk assessment. Teck has failed to perform in good faith on every major deliverable it was required to produce under the Settlement Agreement it signed with the federal government regarding river cleanup. RI/FS sediment sampling has still not been conducted by Teck; nevertheless, the National Park Service and the EPA concluded that Teck had trespassed to conduct sediment sampling for the litigation. This action resulted in EPA filing a Notice of Violation (NOV) and seeking results of that sampling effort for incorporation into the RI/FS. To date, we are uncertain if Teck has provided that information to the EPA.

We continue to see value in the EPA's listing the site on the National Priorities List (NPL) so that funds will be available to implement remedial action in the event that Teck does not voluntarily do so. This site was scored approximately 10 years ago and qualified for placement on the NPL; such placement highlights the significance of the site and importance to the Tribes and other important legal considerations.

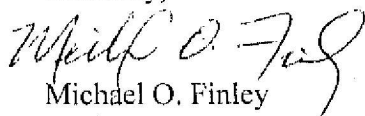
The Colville Tribes, as an impacted minority community, also qualify for additional consideration under the EPA's Environmental Justice Policy. In this instance the Tribes face a disproportionate economic and environmental burden due to the presence of Teck's contamination on our homeland and in our River, which is at the heart of our Tribal and spiritual existence.

We are currently preparing for a September 2012 trial in the Teck Cominco litigation, which will enable the US to clean up this site under CERCLA and to compel Teck to comply with United States federal law. The Settlement Agreement only requires the company to complete the RI/FS with no clean up provisions, and the significance of our litigation is that it can result in an extensive restoration of the River and its environs, which will benefit not just Colville Tribal members, but all the citizens of this region, for generations to come.

We request immediate consultation with EPA's Environmental Justice representative to work toward the implementation of further protections for the River and an enhanced facilitated relationship with Region 10.

Thank you for taking the time to consider our concerns. We look forward to working cooperatively with the EPA on these matters in the near future.

Sincerely,

  
Michael O. Finley  
Chairman